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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,786

10/23/2003

Wolfgang Gauckler

GAUCKLER-2

1142

7590

07/27/2006

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EXAMINER

GEBRESILASSIE, KIBROM K

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,786

Applicant(s)

GAUCKLER ET AL.

Examiner

Kibrom K. Gebresilassie

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/697,786.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amended application filed on October 23, 2003
2. Claims 1-11 have examined.

Priority

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(a)-(d) or 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. The prior date considered is October 23, 2002.

Oath/Declaration

4. The Office acknowledges receipt of properly signed oath/declaration filed March 10, 2004.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically there is no tangible result. The method and system of the claims only provide, and associate but produce no tangible result.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent No. 6,898,560 issued to Das et al.

As per Claim 1:

Das discloses a method for modeling a technical system with a plurality of technical components (col. 1 lines 10-16), comprising the steps of: providing data elements of a plurality of models which have a pre-definable mutual relationship in equivalent, superior and/or inferior levels, and based on the mutual relationship, automatically associating a data element of a first model located at a superior level with another model on an equivalent or inferior level that has a pre-definable relationship with the first model, and vice versa (col. 2 lines 52-64; col. 3 lines 13-16; col. 5 lines 31-41).

As per Claim 2:

Das discloses each data element is associated with a single model (col. 5 lines 332-41).

As per Claim 3:

Das discloses the models are subdivided into parent models (analogous to "The hierarchical data structures can be formed from parent-child relationships linking a common root component with another model component"; col. 3 lines 11-15) and application-specific models (analogous to "The component list"; col. 7 lines 50-52).

As per Claim 4:

Das discloses starting with an application-specific model (analogous to “The component list”; col. 7 lines 50-52), a concrete relationship, in particular a functional relationship, is created and associated between one of the parent models and the application-specific models (analogous to “As the component list is constructed, new hierarchal paths for each source component may be calculated relative to the target component and store in the source components respective component list data structure” col. 8 lines 1-5; col. 8 lines 10-15).

As per Claim 5:

Das discloses the step of automatically creating at least one model of the technical system based on a plurality of component models and their relationships (analogous to “Integrity of the relationships between components of a modeled object can be automatically maintained as a modeled object is edited and changed.”; col. 3 lines 32-34).

As per Claim 6:

Das discloses a parent model of the technical system is generated based on a parent model of one or more components (analogous to “The hierarchical data structures can be formed from parent-child relationships linking a common root component with another model component”; col. 3 lines 11-15).

As per Claim 7:

Das discloses an application-specific model of the technical system is generated based on an application-specific model of one or more components (analogous to “The

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component list"; col. 7 lines 50-52).

As per Claim 8:

Das discloses a device for automatically associating data elements when modeling of a technical system having a plurality of components based on models which are located at equivalent, superior and/or inferior levels and have a mutual relationship (col. 2 lines 52-64), comprising a first model-related memory for storing the models, and a second data-related memory for storing the data elements, wherein at least one relationship is associated with the models stored in the first model-related memory (analogous to "As the component list is constructed, new hierarchal paths for each source component may be calculated relative to the target component and store in the source components respective component list data structure" col. 8 lines 1-5; col. 8 lines 10-15), based on which the corresponding data element that is stored in the second data-related memory is associated with a first model at a superior level, and wherein based on a pre-definable relationship the corresponding data element of the first model at the superior level is automatically associated with another model located at an equivalent or inferior level and having a relationship with the first model (col. 2 lines 52-64; col. 3 lines 13-16; col. 5 lines 31-41).

As per Claim 9:

Das discloses means for creating and storing the pre-definable relationship between at least two models (col. 3 lines 66-67 and continue to col. 4 lines 1-7).

As per Claim 10:

Das discloses means for referencing and storing the data element representing the pre-definable relationship (col. 8 lines 1-5).

As per Claim 11:

Das discloses the first model-related memory is subdivided into a memory for parent models and a memory for application-specific models (analogous to "As the component list is constructed, new hierarchal paths for each source component may be calculated relative to the target component and store in the source components respective component list data structure" col. 8 lines 1-5; col. 8 lines 10-15).

Conclusion

9. Claims 1-11 are rejected.
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,983,236 issued to Karlovac et al.

11. Any inquiring concerning this communication or earlier communication from the examiner should be directed to Kibrom K. Gebresilassie whose telephone number is (571) 272-8571. The examiner can normally be reached on Monday-Friday, 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Kamini shah can be reached at (571) 272-2279. The official fax number is (571) 273-8300. Any inquiring of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is (571) 272-3700.

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